

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

JASON RIIS, CODY HOLCOMBE, AARON HENNING, GENA ALVAREZ, DIRK SPARKS, and AARON PETERS

Plaintiffs,
vs.

THE CITY OF PIERRE; THE CITY OF SISSETON; ADAM WOXLAND, former South Dakota Highway Patrol Trooper, in his official and individual capacities; CORPORAL KOREY WARE, with the Sisseton Police Department, in his official and individual capacities; THE CITY OF WAGNER; THE CITY OF WAGNER POLICE DEPARTMENT; OFFICER DESARAE GRAVATT, City of Wagner Police Officer; OFFICER BRIAN MCQUIRE, City of Wagner Police Officer; and LAW ENFORCEMENT OFFICERS JAMES DOES ONE THROUGH SIX,

Defendants.

3:17-CV-03017-RAL

ORDER DENYING MOTION FOR
INTERLOCUTORY APPEAL AND
MOTION FOR ADDITIONAL DISCOVERY
AS MOOT

The five remaining Plaintiffs in this § 1983 action claim that Defendants—three municipalities and multiple police officers—violated their Fourth Amendment rights by catheterizing them so that their urine could be tested for drugs. This Court issued an opinion on cross-motions for summary judgment holding that none of the parties were entitled to summary judgment on the issues of municipal liability and whether Defendants violated Plaintiffs' Fourth Amendment rights. Doc. 156; Riis v. Shaver, 3:17-CV-03017-RAL, 2020 WL 2043328 (D.S.D. Apr. 28, 2020). The Cities of Pierre, Wagner, and Sisseton requested an interlocutory appeal under

28 U.S.C. § 1292(b), Docs. 160, 162, 163, and the Plaintiffs moved for leave to serve additional discovery, Doc. 165.

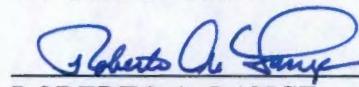
Plaintiffs recently filed a notice that they accepted offers of judgment from Defendants, Doc. 177, as well as a letter explaining that all parties agree that the motions for an interlocutory appeal and additional discovery are now moot, Doc. 178.

For good cause, it is hereby

ORDERED that the Municipal Defendants' Motion to Amend/Correct Order Under 28 U.S.C. § 1292(b), Doc. 160, and the Plaintiffs' Motion for Leave to Serve Additional Discovery, Doc. 165, are denied as moot.

DATED this 6th day of August, 2020.

BY THE COURT:


ROBERTO A. LANGE
CHIEF JUDGE